



February 23, 2016

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## ENGROSSED HOUSE BILL No. 1374

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DIGEST OF HB 1374 (Updated February 22, 2016 12:22 pm - DI 106)

**Citations Affected:** IC 23-14.

**Synopsis:** Deceased law enforcement or service animals. Provides that if specified conditions are met, the cremated remains of a deceased animal of a deceased record owner of burial rights in a grave space may be: (1) scattered or placed on top of the deceased owner's burial plot; or (2) interred in the earth on top of the deceased owner's burial plot if the interment does not involve the digging or penetration of earth at a depth that exceeds one foot. Provides that for purposes of these provisions, a "deceased animal" means a deceased: (1) law enforcement animal; or (2) service animal; that was owned by or assigned to assist the deceased owner during the deceased owner's lifetime.

**Effective:** July 1, 2016.

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### Pelath, Dermody, Lawson L, McNamara

(SENATE SPONSORS — HERSHMAN, TALLIAN, ARNOLD J, DELPH,  
RANDOLPH LONNIE M)

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January 19, 2016, read first time and referred to Committee on Public Health.  
January 28, 2016, reported — Do Pass.  
February 1, 2016, read second time, ordered engrossed. Engrossed.  
February 2, 2016, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Civil Law.  
February 22, 2016, reported favorably — Do Pass.

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EH 1374—LS 7055/DI 101





February 23, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1374

A BILL FOR AN ACT to amend the Indiana Code concerning  
business and other associations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 23-14-42.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]:

4 **Chapter 42.5. Burial With Law Enforcement Animals or Service**  
5 **Animals**

6 **Sec. 1. As used in this chapter, "animal" refers to a:**

- 7 (1) law enforcement animal; or  
8 (2) service animal.

9 **Sec. 2. As used in this chapter, "burial plot" means an**  
10 **individual grave space that is used or intended to be used for the**  
11 **interment of the remains of a deceased individual.**

12 **Sec. 3. As used in this chapter, "deceased animal" means a**  
13 **deceased animal:**

- 14 (1) that was owned by or assigned to assist the deceased owner  
15 during the deceased owner's lifetime;  
16 (2) whose death occurs before, after, or simultaneously with  
17 the death of the deceased owner; and

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(3) the remains of which have been cremated and placed in a temporary container or an urn.

Sec. 4. As used in this chapter, "deceased owner" refers to the deceased record owner of burial rights in a burial plot.

Sec. 5. (a) As used in this chapter, "law enforcement animal" means a dog that is owned or used by a law enforcement agency for the principal purposes of:

(1) aiding in:

(A) the detection of criminal activity;

(B) the enforcement of laws; and

(C) the apprehension of offenders; and

(2) ensuring the public welfare.

(b) The term includes the following:

(1) An arson investigation dog.

(2) A bomb detection dog.

(3) A narcotic detection dog.

(4) A patrol dog.

Sec. 6. As used in this chapter, "service animal" refers to an animal trained as:

(1) a hearing animal;

(2) a guide animal;

(3) an assistance animal;

(4) a seizure alert animal;

(5) a mobility animal;

(6) a psychiatric service animal; or

(7) an autism service animal.

Sec. 7. (a) Subject to subsection (b), the cremated remains of a deceased animal of a deceased record owner of burial rights in a burial plot may be:

(1) removed from the temporary container or urn described in section 3(3) of this chapter and scattered or placed on top of the deceased owner's burial plot; or

(2) interred on top of the deceased owner's burial plot as long as the interment of the deceased animal's cremated remains does not:

(A) encroach upon or interfere with a neighboring burial plot of which the deceased owner is not the record owner;

(B) involve the disinterment of:

(i) the deceased owner's remains; or

(ii) the remains of a deceased individual other than the deceased owner; or

(C) involve the digging or penetration of earth at a depth



- 1           that exceeds one (1) foot.
- 2       **The cremated remains of a deceased animal of a deceased record**
- 3       **owner may be scattered, placed, or interred in a manner described**
- 4       **in this subsection before, after, or in conjunction with the**
- 5       **interment of the remains of the deceased owner.**
- 6       **(b) The cremated remains of a deceased animal of a deceased**
- 7       **record owner may be scattered, placed, or interred in a manner**
- 8       **described in subsection (a) only if the following apply:**
- 9           **(1) The person or entity owning the deceased animal at the**
- 10          **time of the deceased animal's death:**
  - 11               **(A) consents in writing to the scattering, placement, or**
  - 12               **interment of the cremated remains of the deceased animal**
  - 13               **in a manner described in subsection (a); and**
  - 14               **(B) before the scattering, placement, or interment of the**
  - 15               **cremated remains of the deceased animal is to take place,**
  - 16               **provides the written consent described in clause (A) to the**
  - 17               **owner of the cemetery in which the deceased owner's**
  - 18               **burial plot is located;**
  - 19           **if the deceased record owner is not the owner of the deceased**
  - 20           **animal at the time of the deceased animal's death.**
  - 21          **(2) The deceased owner provides for or directs the scattering,**
  - 22          **placement, or interment of the cremated remains of the**
  - 23          **deceased animal in a manner described in subsection (a):**
    - 24               **(A) in the deceased owner's last will and testament;**
    - 25               **(B) in a written designation provided to a cemetery under**
    - 26               **IC 23-14-42-2; or**
    - 27               **(C) in a funeral planning declaration executed under**
    - 28               **IC 29-2-19.**
    - 29          **(3) If subdivision (2) does not apply, a person who has the**
    - 30          **right under IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18,**
    - 31          **IC 29-2-19-17, or any other applicable statute to:**
      - 32               **(A) control the disposition of the deceased owner's**
      - 33               **remains;**
      - 34               **(B) make arrangements for the funeral services of the**
      - 35               **deceased owner; or**
      - 36               **(C) make other ceremonial arrangements after the**
      - 37               **deceased owner's death;**
      - 38          **provides for or directs the scattering, placement, or interment**
      - 39          **of the cremated remains of the deceased animal in a manner**
      - 40          **described in subsection (a).**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1374, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1374 as introduced.)

KIRCHHOFFER

Committee Vote: Yeas 11, Nays 0

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COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred House Bill No. 1374, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB1374 as printed January 29, 2016.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0

